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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/614,238	07/12/2000	Guy Stone	Dkt.#622	1849

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EXAMINER

PHAN, TAM T

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 08/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/614,238

Applicant(s)

STONE ET AL.

Examiner

Tam (Jenny) Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/20/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-16 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Amendment received on 06/20/2005 has been entered. Claims 1-6, 8-16, and 18-20 are currently amended.
2. Claims 1-6, 8-16, and 18-20 are presented for examination.

Priority

3. No priority claims have been made.
4. The effective filing date of the claimed invention is July 12, 2000.

Specification

5. The use of the trademark **JAVA**TM has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-2, 4-6, 8-9, 11-12, 14-16, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al. (U.S. Patent Number 5,854,893), hereinafter referred to as Ludwig, in view of DeSimone et al. (U.S. Patent Number 6,212,548), hereinafter referred to as DeSimone.

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8. Regarding claim 1, Ludwig disclosed a method of communication in an internet [WAN] chatroom environment (Figure 4, column 3 lines 36-46, column 8 lines 16-26) comprising: providing a means for multiple users to chat with each other in a user interface screen (Figures 8A-8C, column 6 lines 11-21); and displaying live webcam images in uniform size of more than one selected user in said user interface screen (Figures 8A-8C, Figures 31B-31C, Figure 18A sign 500, column 24 lines 21-36).

9. Ludwig taught the invention substantially as claimed. However, Ludwig did not expressly teach displaying in said user interface screen a list of users whose images are not shown but are online in the chatroom.

10. Ludwig suggested exploration of art and/or provided a reason to modify communication method with addition features (column 41 lines 35-45).

11. DeSimone disclosed a communication method having a step of displaying in said user interface screen a list of users whose images are not shown but are online in the chatroom (Figure 3, column 1 lines 26-47, column 2 lines 4-11, column 3 lines 37-42).

12. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Ludwig with the teachings of DeSimone to include the user list feature in order to allow users to add or remove a participant from a particular chat conversation (DeSimone, column 2 lines 48-56) since participants in a chat conversations may change over the life of the conversation (DeSimone, column 2 lines 41-47).

13. Regarding claim 2, Ludwig disclosed a method wherein the webcam images are displayed at the top of the user interface screen by retrieving a chatter list from a server

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(Figures 2A, 8C, Figures 31B-31C), preparing the image by connecting to said server via Transmission Control Protocol (TCP) (Figures 31B-31C, column 8 lines 16-26, column 20 lines 18-26), and reading the byte-array for each image (column 6 lines 54-64, column 9 lines 24-27, column 29 lines 55-59).

14. Regarding claim 4, Ludwig disclosed a method wherein the webcam images are automatically assigned a position on the user interface screen by calculating screen "real-estate" (size of the screen) based on the number of said webcam images displayed and the size of each webcam image (Figures 8A-8C, Figures 38-40, column 13 lines 19-55, column 37 lines 47-51).

15. Regarding claim 5, Ludwig disclosed a method wherein users can select the webcam images they want to view from said list while they are chatting (Figures 8A-8C, column 19 lines 11-23, column 24 lines 16-36, column 24 line 61-column 25 line 3).

16. Regarding claim 6, Ludwig disclosed a method further comprising providing a list in said interface of users whose images are displayed (Figures 8A-8C, column 19 lines 11-23, column 24 lines 16-36, column 24 line 61-column 25 line 3).

17. Regarding claim 8, Ludwig disclosed a method wherein each webcam image is associated with an individual user (Figures 8A-8C, 38-40).

18. Regarding claim 9, Ludwig disclosed a method wherein users who do not have a webcam will have a symbolic logo appear in place of their image or static photo (Figure 22).

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19. Regarding claims 11-12, 14-16, and 18-19, the system corresponds directly to the method of claims 1-2, 4-6, and 8-9, and thus these claims are rejected using the same rationale.

20. Since all the limitations of the claimed invention were disclosed by the combination of Ludwig and DeSimone, claims 1-2, 4-6, 8-9, 11-12, 14-16, and 18-19 are rejected.

21. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al. (U.S. Patent Number 5,854,893), hereinafter referred to as Ludwig, in view of DeSimone et al. (U.S. Patent Number 6,212,548), hereinafter referred to as DeSimone, and further in view of Moore et al. (U.S. Patent Number 6,310,601), hereinafter referred to as Moore.

22. Regarding claim 3, Ludwig disclosed a method of communication in an internet [WAN] chatroom environment (Figure 4, column 3 lines 36-46, column 8 lines 16-26) comprising: providing a means for multiple users to chat with each other in a user interface screen (Figures 8A-8C, column 6 lines 11-21); and displaying live webcam images in uniform size of more than one selected user in said user interface screen (Figures 8A-8C, Figures 31B-31C, Figure 18A sign 500, column 24 lines 21-36).

DeSimone disclosed a communication method having a step of displaying in said user interface screen a list of users whose images are not shown but are online in the chatroom (Figure 3, column 1 lines 26-47, column 2 lines 4-11, column 3 lines 37-42).

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23. Ludwig taught the invention substantially as claimed. However, Ludwig did not expressly teach a method wherein the webcam images are displayed in uniform size by using Java'sTM built-in image scaling method to calculate scaled height and scaled width.

24. Ludwig suggested exploration of art and/or provided a reason to modify the method with additional features such as the image scaling feature (column 41 lines 35-40, Figures 8A-8C, column 37 lines 40-51) to scale the video image to fit appropriate in the display frame.

25. Moore disclosed a method in which the displayed webcam images have a uniform size by using image scaling method to calculate scaled height and scaled width using JAVA programming languages (Note: In JAVA, well-known built-in function public image getScaledInstance (int width, int height, int hints) returns a scaled version of the image) (column 1 lines 52-60, column 2 lines 37-41, lines 44-55, column 3 lines 20-31, column 7 lines 12-18)

26. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Ludwig with the teachings of Moore to include the image scaling feature in order to scale the image to a smaller size and/or scaled and uniformed image to a variety of Web browser, regardless of the hardware resources available (Moore, column 2 lines 56-60, column 2 lines 37-41).

27. Regarding claim 13, the system corresponds directly to the method of claim 3, and thus is rejected using the same rationale.

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28. Since all the limitations of the claimed invention were disclosed by the combination of Ludwig, DeSimone, and Moore, claims 3 and 13 are rejected.

29. Claims 1, 4, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al. (U.S. Patent Number 5,793,365), hereinafter referred to as Tang '365, in view of Tang et al. (U.S. Patent Application 6,349,327), hereafter referred to as Tang '327.

30. Regarding claim 1, Tang '365 disclosed a method of communication in an internet chatroom environment (Figure 5, column 3 lines 20-25, column 11 lines 37-57) comprising: providing a means for multiple users to chat with each other in a user interface screen (Figure 5 sign 14, Figure 10 sign 121, column 3 lines 39-46, column 5 lines 29-32, column 11 lines 37-57); displaying live webcam images in uniform size of more than one selected user in said user interface screen (Figure 10 signs 123, 133, column 2 lines 29-41, column 9 lines 26-36).

31. Tang '365 taught the invention substantially as claimed. However, Tang '365 did not expressly teach displaying in said user interface screen a list of users whose images are not shown but are online in the chatroom.

32. Tang '365 suggested exploration of art and/or provided a reason to modify the chatroom communication method with additional features (column 15 lines 18-29).

33. Tang '327 disclosed a communication method having a step of displaying in said user interface screen a list of users whose images are not shown but are online in the chatroom (Figure 4, column 9 lines 28-41).

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34. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the communication method of Tang '365 with the teachings of Tang '327 to include the user list feature in order to show the list of participants that are available for communication and allow user to find and organize the available participants (Tang '327, column 9 lines 22-41) since participant list or buddy list is well known in the Internet chat environment and the use of participant list or buddy list allows the user to be aware of the interaction activity of others that the user might want to initiate communication (column 7 lines 19-33).

35. Regarding claim 4, Tang '327 disclosed a method wherein the webcam images are automatically assigned a position on the user interface screen by calculating screen "real-estate" (size of the screen) based on the number of said webcam images displayed and the size of each webcam image (Figure 1 sign 20).

36. Regarding claim 11 and 14, the system corresponds directly to the method of claim 1, and thus is rejected using the same rationale.

37. Since all the limitations of the claimed invention were disclosed by the combination of Tang '365 and Tang '327, claims 1, 4, 11, and 14 are rejected.

38. Claims 5-6, 8-10, 15-16, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al. (U.S. Patent Number 5,793,365), hereinafter referred to as Tang '365, in view of Tang et al. (U.S. Patent Application 6,349,327), hereafter referred to as Tang '327, and further in view of the invention's background.

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39. Regarding claim 5, Tang '365 disclosed a method of communication in an internet chatroom environment (Figure 5, column 3 lines 20-25, column 11 lines 37-57) comprising: providing a means for multiple users to chat with each other in a user interface screen (Figure 5 sign 14, Figure 10 sign 121, column 3 lines 39-46, column 5 lines 29-32, column 11 lines 37-57); displaying live webcam images in uniform size of more than one selected user in said user interface screen (Figure 10 signs 123, 133, column 2 lines 29-41, column 9 lines 26-36). Tang '327 disclosed a communication method having a step of displaying in said user interface screen a list of users whose images are not shown but are online in the chatroom (Figure 4, column 9 lines 28-41).

40. Tang '365 taught the invention substantially as claimed, however, Tang '365 did not expressly disclose a method wherein users can select the webcam images they want to view from said list while they are chatting.

41. Tang '365 suggested exploration of art and/or provided a reason to modify the method to include a step wherein users can select the webcam images they want to view while they are chatting from a participant list (column 2 lines 37-41, column 3 lines 41-46, column 8 lines 3-10).

42. The background of the instant invention disclosed a method to show video [image] of a particular chatter in which a chatroom users want to view (Background page 2 lines 23-24). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to allow chatroom users to select the webcam images of the other chatters in order to have a more visual and more personal chatting experience.

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43. Regarding claim 6, the background of the instant application disclosed a method further comprising providing a list in said interface of users whose images are displayed (Background page 2 lines 12-18, lines 23-24)

44. Regarding claim 8, Tang disclosed a method wherein each webcam image is associated with an individual user (Figure 5).

45. Regarding claim 9, Tang disclosed a method wherein users who do not have a webcam will have a symbolic logo appear in place of their live webcam image or static photo (column 5 lines 32-37).

46. Regarding claim 10, the background of the instant application disclosed a method wherein image of each chatter is updated at a predefined time interval (Background page 1 lines 27-33). The symbolic logo is the image of the chatter when live image of him/her is not available and therefore will be updated at a predefined time interval in the same fashion as his/her live image.

47. Regarding claims 15-16 and 18-20, the system corresponds directly to the method of claims 5-6 and 8-10, and thus these claims are rejected using the same rationale.

48. Since all the limitations of the claimed invention were disclosed by the combination of Tang '365, Tang '327, and background of the invention, claims 5-6, 8-10, 15-16, and 18-20 are rejected.

Response to Arguments

49. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

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50. As the rejection reads, Examiner asserts that the combination of these teachings render the claimed invention obvious.

Conclusion

51. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

52. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

53. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam (Jenny) Phan whose telephone number is (571) 272-3930. The examiner can normally be reached on M-F 9:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MARC D. THOMPSON
MARC THOMPSON
PRIMARY EXAMINER

Tam T. Phan
August 8, 2005

TP